

MOTION BY SUPERVISOR ZEV YAROSLAVSKY

December 6, 2011

The California legislature enacted SB 857, a one-time amnesty program, that takes effect January 1, 2012 and lasts for a six month period ending June 30, 2012. The purpose of the amnesty is to provide a six-month window of opportunity for individuals to pay off court-ordered traffic and related non-traffic fines that were incurred prior to 2009 by tendering 50 percent of the balance owed. Each County is mandated to provide this amnesty period.

The legislation lists the eligibility requirements for this amnesty program. The violation must be one that is covered by the statute. The violator must not owe restitution to any victim for a crime committed within the County where the traffic violation occurred. The violator may not have any outstanding misdemeanors or felony warrants. Finally, the due date for payment of the bail or fine must have been on or before January 1, 2009.

The statewide Administrative Office of the Court (AOC) has advised the County that any individual who owed a fine before January 1, 2009, and has made any payment

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related to that fine since that date, is ineligible for the program. As a result approximately 75,000 individuals in Los Angeles County will be excluded from taking advantage of the amnesty.

The Los Angeles County Counsel and counsel for the LA Superior Court have concluded that the AOC has incorrectly incorporated an eligibility requirement that is not found within the four corners of the statute. Depriving thousands of the opportunity to take advantage of this amnesty program is not only out of conformity with the enacting legislation, but unfair. California traffic fines are among the highest in the country and have become extremely onerous to our citizens. It is only fair that if the state wishes to grant a 50 percent amnesty for those who have made no attempt at payment of such fines, then those who have made partial payment should be offered the same discount.

I, THEREFORE, MOVE that the Board of Supervisors send a five-signature letter to the California Judicial Council urging that the Administrative Office of the Courts be required to include within the SB 857 amnesty program those individuals who have made any payments toward fines which were incurred or due prior to January 1, 2009, and

I FURTHER MOVE that this letter be accompanied by the written legal opinion of the Los Angeles County Counsel; and that the LA Superior Court be requested to provide a written opinion that addresses this issue and that can also be forwarded to the Judicial Council.